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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,062	09/26/2000	Bradley J. Wessman	20000389.ORI	5103

7590 08/05/2002
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EXAMINER
OROPEZA, FRANCES P
3762

DATE MAILED: 08/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/670,062	Applicant(s) WESSMAN, BRADLEY J.
	Examiner Frances P. Oropeza	Art Unit 3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.13(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply filed within the period for reply set in this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 June 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 18-29 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Election / Restriction

1. The Applicant's election of Group I., claims 1-17, in Paper No. 7 is acknowledged.

~~Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).~~

Claim Objections

2. Claim 13 is objected to because of the following informality: The period at the end of the sentence in claim 13 is missing. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Winkler (US 5417208). Winkler discloses an electrode-carrying catheter with a conductor (45), a conductive pad (51) and a ring electrode (53) (figure 2, figures 4A-4D and figure 6). The ring electrode (53) has projection extending from the inner wall of the lumen (figures 6 and 7). The conductor and copper conductive pad have a welded connection (c 6, ll 51-59).

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5. Claims 1-6 and 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Spehr et al. (US 6324415). Spehr et al. disclose a cardiac lead with a conductor (50b), conductive pads (56 and 58) and a ring electrode (21) (figures 6 and 7). Welding is used to secure the pad

(c 7, ll 42-63). The electrodes and pad may be fabricated from MP35N (c 8, ll 21-27).

6. Claims 1-6 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandstrom et al. (US 4381014). Sandstrom et al. disclose a pacing lead including conductor (12), a ring electrode (20) and a conductive pad (22) (reference Certificate of Correction - figure 2). The conductive pad, made of MP35N, is welded to the conductor (c 3, ll 19-32).

7. Claims 1-6 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Neill (US 4280511). O'Neill discloses a pacing lead with a conductor (14), a conductor pad (18) and a ring electrode (10) (figure 3). The pad is made of silver and the connection between the conductor and the pad is solidified by crimping (c 3, ll 12-30). The mechanical joint resulting from the crimping and swaging operation is referred to as a mechanical weld (c 4, ll 3-8).

Other Prior Art Cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6253111 to Carner teaches a sensor in a lead (figure 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fran Oropeza whose telephone number is (703) 605-4355. The examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 306-4520 for regular communication and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the designated where telephone number is (703) 308-0858.

Frances P. Oropeza
Patent Examiner
Art Unit 3762

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JEFFREY R. JASTRZAB
PRIMARY EXAMINER

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